

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MARY BETH HARSHBARGER,	:	CIVIL ACTION
PETITIONER	:	NO.: 3:09-CV-00487
VS.	:	
MICHAEL R. REGAN, UNITED STATES	:	JUDGE VANASKIE
MARSHALL FOR THE MIDDLE DISTRICT OF	:	
PENNSYLVANIA; ERIC HOLDER,	:	
ATTORNEY GENERAL OF THE UNITED	:	
STATES; SUSAN TORRES, ATTORNEY-	:	
ADVISOR, OFFICE OF THE LEGAL	:	
ADVISOR, UNITED STATES DEPARTMENT	:	
OF STATE; HILLARY RODHAM CLINTON,	:	
SECRETARY OF STATE OF THE UNITED	:	
STATES,	:	
RESPONDENTS	:	

EMERGENCY MOTION FOR STAY OF
EXTRADITION ORDER

AND NOW, comes the Petitioner, Mary Beth Harshbarger, by and through her counsel, PAUL P. ACKOUREY, ESQUIRE, and respectfully moves this Honorable Court for a stay of the extradition order now in effect in the above captioned case. In support thereof, it is averred as follows:

1. Pursuant to this court's order, an extradition order has been in effect since March 27, 2009.
2. Ms. Harshbarger intends to appeal this court's denial of her habeas corpus petition to the United States Court of Appeals for the Third Circuit and,

to that end, has motioned this court for a Certificate of Appealability.

3. Should the extradition order in this case not be stayed, there is a likelihood that Ms. Harshbarger will be extradited to Canada prior to the completion of her anticipated appeal, making said appeal moot and likely to be dismissed.

4. The anticipated appeal, it is submitted, raises serious and substantial issues regarding extradition law and criminal proceedings encompassed by them.

5. It is further submitted that, in considering the four factors commonly weighed for such injunctive relief as requested here (i.e., likelihood of success on the merits, irreparable injury, injury to the opposing party, and the public interest) Ms. Harshbarger's case should pass the balancing test.

6. Were the anticipated appeal to become moot and be dismissed, Ms. Harshbarger would be denied due process as guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution.

7. Accordingly, Ms. Harshbarger requests that this court issue an Order staying the extradition order in the above-captioned case until such time that the Third Circuit decides her forthcoming appeal.

RESPECTFULLY SUBMITTED:

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